Superseded 5/12/2015
31A-2-404 Duties of the commissioner and Title and Escrow Commission.
(1) Notwithstanding the other provisions of this chapter, to the extent provided in this part, the commissioner shall administer and enforce the provisions in this title related to:
  (a) title insurance; and
  (b) escrow conducted by a title licensee or title insurer.
(2) The commission shall:
  (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to Subsection (4), make rules for the administration of the provisions in this title related to title insurance including rules related to:
    (i) rating standards and rating methods for a title licensee, as provided in Section 31A-19a-209;
    (ii) the licensing for a title licensee, including the licensing requirements of Section 31A-23a-204;
    (iii) continuing education requirements of Section 31A-23a-202; and
    (iv) standards of conduct for a title licensee;
  (b) concur in the issuance and renewal of a license in accordance with Section 31A-23a-105 or 31A-26-203;
  (c) in accordance with Section 31A-3-103, establish, with the concurrence of the commissioner, the fees imposed by this title on a title licensee;
  (d) in accordance with Section 31A-23a-415 determine, after consulting with the commissioner, the assessment on a title insurer as defined in Section 31A-23a-415;
  (e) conduct an administrative hearing not delegated by the commission to an administrative law judge related to the:
    (i) licensing of an applicant;
    (ii) conduct of a title licensee; or
    (iii) approval of a continuing education program required by Section 31A-23a-202;
  (f) with the concurrence of the commissioner, approve a continuing education program required by Section 31A-23a-202;
  (g) with the concurrence of the commissioner, impose a penalty:
    (i) under this title related to:
      (A) title insurance; or
      (B) escrow conducted by a title licensee;
    (ii) after investigation by the commissioner in accordance with Part 3, Procedures and Enforcement; and
    (iii) that is enforced by the commissioner;
  (h) advise the commissioner on the administration and enforcement of any matter affecting the title insurance industry;
  (i) advise the commissioner on matters affecting the commissioner's budget related to title insurance; and
  (j) perform other duties as provided in this title.
(3) The commission may make rules establishing an examination for a license that will satisfy Section 31A-23a-204:
  (a) after consultation with the commissioner and the commissioner's test administrator;
  (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  (c) subject to Subsection (4).
(4) The commission may make a rule under this title only if at the time the commission files its proposed rule and rule analysis with the Division of Administrative Rules in accordance

with Section 63G-3-301, the commission provides the Real Estate Commission that same information.

(5)
  (a) The commissioner shall annually report the information described in Subsection (5)(b) in writing to the commission.
  (b) The information required to be reported under this Subsection (5):
    (i) may not identify a person; and
    (ii) shall include:
      (A) the number of complaints the commissioner receives with regard to transactions involving title insurance or a title licensee during the calendar year immediately proceeding the report;
      (B) the type of complaints described in Subsection (5)(b)(ii)(A); and
      (C) for each complaint described in Subsection (5)(b)(ii)(A):
        (I) any action taken by the commissioner with regard to the complaint; and
        (II) the time-period beginning the day on which a complaint is made and ending the day on which the commissioner determines it will take no further action with regard to the complaint.
(6) The commission may not impose a penalty in a manner inconsistent with Subsection (2)(g) or make a rule that conflicts with Subsection (2)(g).